



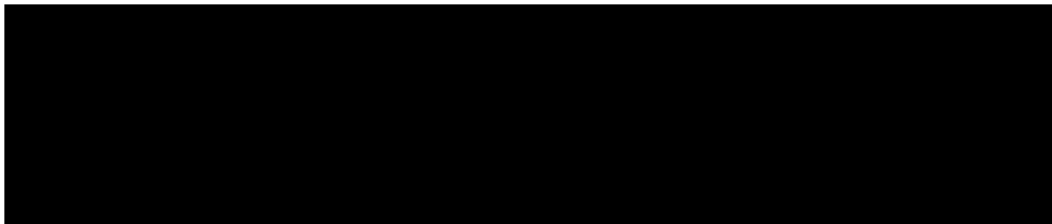
Eric Gonzalez
District Attorney

**DISTRICT ATTORNEY
KINGS COUNTY**

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Lauren Fitton
Assistant District Attorney

3/19/2021



In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: PHILOGENE BREVILLE

MOS TAX: 940974

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 12-19-08, AGAINST MOS BREVILLE:
ALLEGATION: DEPT RULES & VIOLATIONS – FAILED TO SAFEGUARD COMPUTER CODE
CLOSED: 7/13/10

Disclosure # 2:

In October of 2014, Breville purchased a building at 158 Tompkins Avenue. Starting in approximately January of 2015, Janelle Defreitas, Raymond McKayle and others became targets of an investigation by the KCDA into a real estate and mortgage fraud conspiracy involving numerous properties, including 158 Tompkins Avenue. When Breville was initially questioned by an assistant district attorney investigating the real estate and mortgage frauds, Breville stated to that assistant district attorney that Breville did not have a personal relationship with Defreitas. However, investigation revealed that those representations were not true, in that Breville and Defreitas had lived together, that Breville sponsored Defreitas for immigration/citizenship purposes, and that Breville and Defreitas had a financial relationship.

Breville later admitted that, in or around the fall of 2012, Breville met and became romantically involved with Defreitas. Defreitas purported to be a real-estate investor and offered to help Breville purchase a building in Brooklyn, which he could live and also use as a source of income from tenants. In late 2013, Defreitas introduced Breville to 158 Tompkins Avenue, in Kings County, which was in fact owned by Defreitas company, West North Capital. Breville did not have enough money to make a down-payment or to purchase the property, which was priced at approximately \$700,000. In December 2013, Breville opened an account at TD Bank and deposited approximately \$20,000 that he received from Defreitas in the account. In April 2014, Breville used funds from the TD Bank account to purchase a cashier's check

payable to West North Capital, which made it appear as though Breville had used his own money for a down-payment on the property.

Between December 2013 and October 2014, Breville provided Defreitas with pay stubs, bank statements, and other information that Defreitas and McKayle, a mortgage broker, used to apply for an FHA-insured mortgage loan secured by 158 Tompkins Avenue. The bank statements that were submitted with Breville's application were altered to show grossly inflated balances for Breville's JP Morgan Chase bank account; in addition, Breville signed application documents stating that he had not received funds toward the purchase from the seller, and representing that he intended to use the property as his primary residence. In fact, Breville had received over \$20,000 from Defreitas, and was aware at that time that the property was not habitable due to damage from a fire. Plaza Home Mortgage, Inc. approved the mortgage in the amount of \$690,000. On October 14, 2014, at the closing for the purchase of 158 Tompkins Avenue, Breville again executed documents stating that he had not received money used to purchase the property from the seller, even though he did receive funds from Defreitas.

Disclosure # 3 (PENDING):

IN REGARD TO DISCLOSURE #2 ABOVE, THE NYPD ISSUED THE FOLLOWING DEPARTMENTAL CHARGES AND SPECIFICATIONS AGAINST MOS BREVILLE:

SAID DETECTIVE PHILOGENE BREVILLE, WHILE OFF-DUTY AND ASSIGNED TO BROOKLYN SOUTH WARRANTS SQUAD, ON OR ABOUT AND BETWEEN OCTOBER 7, 2016 THROUGH DECEMBER 21, 2016, WHILE IN KINGS COUNTY, FAILED TO NOTIFY THE INTERNAL AFFAIRS BUREAU OF HIS INTERACTIONS WITH THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE IN REGARD TO HIS INVOLVEMENT IN FRAUDULENT MORTGAGE TRANSACTIONS IN A TIMELY MANNER.

DISPOSITION: PENDING

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS AGAINST MOS BREVILLE ARISING FROM 12/21/2016:

1. FAIL TO NOTIFY IN A TIMELY MANNER – IAB
2. COMPUTER MISUSE

CASE CLOSED: 03/05/2019

Disclosure # 5:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
DAVID, BILLY	14CV02628	E.D.N.Y.	04/25/2014	07/10/2014	Settlement, without admission of fault or liability
FAISON, TIMOTHY	14CV06049	E.D.N.Y.	10/15/2014	11/17/2015	Settlement, without admission of fault or liability

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE UNAWARE OF ANY PENDING AND OR SUBSTANTIATED CCRB ALLEGATIONS AGAINST THIS OFFICER.

Eric Gonzalez
District Attorney
Kings County